

**BURNS WILL
LEAVE**

**FOR OTHER
CITIES TO
PROBE FRANK
CASE**

Detective Will Not Say
What

Angle of Case Calls
Him

Away—Frank or
Conley Is

Guilty, He States

MILD REPLY IS
MADE TO

ATTACK OF
LAWYER

Declares Purpose to
Offend

No One, and Says He Will Consult Attorney About See- ing Prisoner at Proper Time

Detective William J. Burns is preparing to leave Atlanta within the next few days to investigate certain angles of the Mary Phagan murder case, he admitted Saturday when questioned about his object in bringing two of the chief lieutenants of the Burns forces to Atlanta.

Mr. Burns refuses to say what angles of the case will take him from the city, nor will he say where he is going. He may go to New York before he returns, he says, but will be in Atlanta when his final report is made.

Burns also admitted his investigation has not brought a third person into the case.

"There is no doubt," he says, "that the murder lies between the two men, Leo Frank and Jim Conley, the Negro. Nothing which I have developed indicates in any way that a third person might have figured in the crime."

NEW TIME THEORY?

The detective was asked if, by any chance, his investigation might lead to Birmingham to see Mrs. J. B. Simmons, who heard screams in the factory on the afternoon of the day of the murder.

Although replying that he did not think it necessary to see Mrs. Simmons, Burns was evidently much interested in her affidavit and called attention to the fact that the basement of the pencil factory is open, and screams would have been perfectly audible to a person standing on the grating on the sidewalk, where Mrs. Simmons declares she stood.

This leads to the inference that Burns is working on an entirely different time theory from that held by the state in the trial, for it was well after 1 o'clock, at any rate, when Mrs. Simmons heard screams.

Burns states that Dan Lehon, manager of his New Orleans office, will arrive in the city Sunday and Monday. Guy W. Biddinger, of his New York office, will reach here. After their arrival he may leave at any time he says, but will hurry back to Atlanta as soon as his investigation will allow him to do so.

The detective still refuses to forecast the length of his investigation, although he says it is still progressing very satisfactorily.

“OH, PIFFLE,” SAYS BURNS.

Mr. Burns treated the attack upon himself by William M. Smith, attorney for Jim Conley both seriously and lightly.

When he picked up a newspaper and read the headline, “Detective Burns given hot roast by Will M. Smith,” he exclaimed, “Oh, piffle.” Then he read further: “Lawyer for Jim Conley pictures detective as ‘movie picture, stage lecturing, and tangoing sleuth.’”

“Why, M. Smith has made a serious mistake,” said Burns, “I can’t tango. The only one of the new dances that I get away with at all is the turkey trot.”

When Burns reached the attorney's charge that he is playing to the galleries, he lightly remarked that this charge is generally brought against him by other private detectives.

"Burns is not even a citizen and has no rights," the detective read and then remarked: "Well, that's rather hard."

"Burns must come to me as a gentleman," the detective read, and then commented: "Well, I would hardly go to him as a loafer."

Then Burns said more seriously: "If anything I have said or have been quoted as saying has hurt Mr. Smith, I am sincerely sorry. It is not my intention to try to trample on the rights of Mr. Smith or anyone else. If he really represents the Negro, and I cannot say that he does not, why most

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BURNS WILL LEAVE FOR OTHER CITIES TO PROBE FRANK CASE

(Continued from Page One.)

certainly, I will go to him when I want to talk to Conley.”

Burns was asked if he had decided when he would make an effort to see the Negro, and replied laughingly that he is in no hurry about the matter, as he sees no chance of the Negro’s leaving suddenly.

SMITH ATTACKS BURNS.

In a scathing card William M. Smith, as attorney for Jim Conley, throws down the gauntlet to Detective William J. Burns and defies the noted sleuth to see the Negro without his permission. Burns recently had laughed at the idea that Smith could prevent his seeing the Negro accuser of Leo Frank.

Smith asserts positively that if Burns, whom he characterizes as a “moving picture” sleuth, ever sees the Negro, it will be after he has consulted with Conley’s attorney and agreed to conditions which he (Smith) will stipulate.

Burns has openly charged that there is a conspiracy on foot for which he blames private detective agencies, to throw obstacles in the path of his work on the Mary Phagan murder case. One manifestation of that conspiracy, the detective is scored, follows in full: a telegram to Jim Conley from Newark, N. J., warning the Negro to beware of the detective.

The card of Attorney Smith, in which the detective is scored, follows in full:

SMITH’S STATEMENT.

If the papers are correctly quoting William J. Burns, this movie picture, stage lecturing, tangoing sleuth, following his usual methods of playing to the galleries, he must prove not only a disappointment to his employers, but a downright injury to the cause in which he was tried, and for which, I presume, he is being paid.

Atlantans generally no doubt hoped that a Daniel had come to judgment and that a truly great mind, with lofty

purposes, had quietly moved into this great issue to search out the truth, without parade or display.

With the responsibility for the right in the crisis of our law administration resting, in a measure, upon me, I had hoped for something from Burns, but with a great deal more hope, however, than faith, I must admit.

Burns' statements (like many of his swiftly-formed and published opinions) that my co-operation was unnecessary to an interview with Conley may be a prematurely formed opinion, and, at least, an unfortunate expression of them. Unless the sheriff or his deputies fly in the face of the order of court and the expressed wish of this ignorant Negro prisoner and his counsel—and I have no reason to believe they will—Mr. Burns will find that his expressed opinion in this matter is sadly wrong.

Mr. Burns in this matter will at least be taught that he is merely a "private detective," working for his employers, "private parties." He is not even a citizen. Burns has no rights in this matter. He is in no way connected with the administration of the law of this state.

WILL DICTATE TERMS

If Burns ever sees Conley he must come to me as a gentleman should and express an understanding that he has no rights in the matter, and, if his requests are reasonable and meet with Conley's approval, and Burns will agree to such terms as I dictate, Burns will receive consideration as fair as the situation—in my judgment—demands.

If Burns is allowed to see Conley it will not be as a matter of right, but as a matter of courtesy from Conley and his counsel.

It ought to be to the everlasting shame and disgrace of William J. Burns should he come here to perform a high

service for truth's sake and sacrifice it upon the altar of his desire for publicity. This is no time for bombast and braggartry.

The public mind of our people is sternly, determinedly bent upon truth seeking only. Human life is at stake. Human justice is in issue. Whatever prevails must be right. It is high time to sink individuals and for every man to rise to the highest there is within him.

As has been quoted: What we need at this time is men, tall men, sun-crowned men.

For once give us facts, give us light, give us truth and eliminate the advertising program.

Lest you crucify where you seek to save.

WILLIAM M. SMITH.

DORSEY GOES AWAY.

Solicitor General Hugh M. Dorsey, despite the activity of the defense in the Frank case, left the city Friday afternoon to spend the week-end with relatives of his wife in Valdosta.

Motions are generally heard in the criminal division of the superior court on Saturday and the departure of the solicitor meant that the motion for a new trial for Conley will not be heard, probably for at least a week. In the meantime Conley remains in the Tower, instead of starting the service of his one-year chain-gang sentence.

LETTERS ON FRANK CASE

**JUDGE KONTZ
INDORSES**

**EDITORIAL IN
JOURNAL**

Statements From Over
South

Continue to Pour
Through

Mail to Journal

And still they come—letters indorsing The Journal's editorial suggestion that "Leo M. Frank Should Have a New Trial." Thousands of fair-minded, conscientious, and fearless citizens are agreeing with The Journal that the conditions obtaining when Frank was tried were so extraordinary that it was impossible for him to have had a fair and impartial trial such as is guaranteed to every one by the law and the constitution.

A few more commendatory letters are published below:

FROM JUDGE E. C. KONTZ.

Judge Ernest C. Kontz, well-known Atlanta attorney, former city recorder, ex-councilman and ex-member of the city board of education, gives expression to his views in the following letter:

Atlanta, Ga., March 19, 1914.

Mr. James R. Gray,

Editor Atlanta, Journal.

Dear Mr. Gray:

Your editorial, favoring a new trial for Leo Frank, voiced the convictions of increasing thousands of unprejudiced minds who feel that as the case was based on circumstantial evidence, and as the upright and learned judge, who tried the case, was in doubt of his guilt or innocence, under the evidence then presented, and as important new evidence has been secured, and the strength of some of that delivered at the trial has been, to say the least, weakened, not to speak of the personal demeanor and public expressions of the prisoner, both in his address to the court at the time of his resentence, and through interviews, since his conviction, a new trial should be granted.

I have no connection, direct, or indirect, with this case, and I feel that cases pending in court, civil or criminal, should, as a rule, not be fought out in the newspapers, and as a member of the bar, with the highest respect for the

courts and their officers, I wish to say that this expression on my part does not imply any lack of appreciation of the splendid ability and the high character of each of the judges and the officers of court who have touched this case. They have done their duty, as they saw it, fearlessly, but they are bound down by technicalities and legal precedents, the principal of which is that the jury is the final judge of the evidence; and this jury was bound by the evidence submitted to them, and they could not, no human being could, weigh the value in the case of the fact that the trial ran on for a month in a small crowded court room, in an August, of a summer as hot as Atlanta has ever known, when business conditions were more unsettled than they have been in a generation, precluding that calm, dispassionate consideration to which a citizen on trial for his life was entitled. Every man knows that under such conditions, calmness and the highest mental alertness are impossible, and that the most brilliant intellects are not at their best.

Let the sworn evidence as to individual jurors having been swayed by prejudice, or the jury as a whole being affected by public feeling, be what it may, all agree that this was no common case. The proceedings were sent by wire around the world, and every man knows that the public mind was inflamed.

I am reliably informed that during the trial a former mayor of Atlanta, a man of calm, judicial mind, saw, going towards the court house, a gentleman, a friend of his, whom he thought might, on account of his associations, be suspected, by some of the excited crowd around the court house, of sympathizing with Frank, and advised the gentleman not to go that way, as he considered it dangerous for him to do so. Under such circumstances and conditions, the fact of that excited, not to say hostile, feeling of a considerable part of the public, could no more be kept from

that jury than could the sun's scorching heat, though its rays did not strike them.

If Frank is guilty, I say unhesitatingly, let him hang.

Personally, I believe in capital punishment, and because I do, and because in my opinion the execution of Frank, without another trial, would do more than any other one thing has ever done to break down adherence to capital punishment in Georgia, I think a new trial should be granted; and because of this political aspect of the case, as distinguished from the judicial, I feel, though a lawyer, at liberty to thus express my views, and to indorse your editorial in the public press.

I am, very truly,

ERNEST C. KONTZ.

FROM A. B. STEELE.

A. B. Steele, Atlanta capitalist and president of the Atlanta and St. Andrews Bay railroad, says:

Atlanta, Ga., March 19, 1914.

Mr. James R. Gray, Editor Atlanta Journal, City.

Dear Mr. Gray: Feeling, as every law-abiding citizen should, that justice should always prevail, and that the condition of the public mind was such, as to prevent Leo Frank from having a fair trial, I wish to thoroughly endorse your splendid editorial in behalf of a new trial for him.

The expression by the presiding judge that he was not satisfied in his own mind as to whether or not Mr. Frank was guilty of the crime with which he is charged, thoroughly expressed my attitude, and I feel confident, if granted another chance, at a time when the public clamor has died down, justice will prevail, which is what we all want. The guilty should be punished, no matter who the offender may be.

Trusting that you will continue to use the editorial columns of your great paper in the cause of justice, to the end that Frank may have a fair and impartial trial, where he will at least have a chance to prove his innocence, or the state to prove his guilt, I beg to remain.

Very sincerely
yours,

A. B. STEELE.

FROM MR. AND MRS. BALLENTINE.

Mr. and Mrs. Len Ballentine, of Cardenas, N. C., have written the following joint letter to The Journal's editor:

Cardenas, N. C., March 16, 1914.

Mr. James R. Gray, Editor Atlanta Journal, Atlanta, Ga.

Dear Mr. Gray: Our appreciation of your editorial in regard to the case of Leo Frank is so strong that we dare not withhold it from you. We appreciate your boldness, your liberality and your strong plea for justice. We, like you, recognize the fact that this case is so extraordinary in every detail that no ordinary rules can apply, and we rejoice in the fact that there is, at least, one editor who dares to break all precedent and to make himself an exponent of personal journalism.

We know that public opinion is always a very plastic, and sometimes, a very dangerous thing. It is a contagion that affects the weak, the emotional, and the narrow-minded, while the more reasonable and independent thinkers often remain immune. The pages of history are always crimsoned where the multitude is stirred to a violent passion, and where public opinion runs riot. It was so in the days of Socrates, and equally so in the days of poor Marie Antoinette.

But if this man be innocent, and was convicted through the influence and atmosphere of public opinion, there is hope that this same sentiment may be remolded and brought to a saner and more reasonable view of facts through the influence of the press.

We read between the lines of your editorial that you are conscious of the grave responsibilities of the press—that you are aware that much harm may result to the state and the individual through its failure to expose wrongs and injustice—and in view of these facts, we appreciate what you have already said, and we hope that you may keep on pleading for an impartial trial for this man, lest at some future day facts may develop to exonerate him, and we, an enlightened nation, may not stand before the world as judicially murdering an innocent man.

Understand us, we are Gentiles, and before this unfortunate affair, we never heard of this man. We have absolutely no interest in the matter other than to see justice meted out to each individual, which is the pride and boast of our government.

Very Sincerely,

MR. AND MRS. LEN BALLENTINE.

FROM MRS. C. M. PORTER.

Mrs. C. M. Porter, of Carrollton, Ga., writes as follows:

Carrollton, Ga., March 14, 1914.

Editor Atlanta Journal,

Dear Sir:

Your outspoken conviction in reference to giving Leo Frank a new trial was nobly brave. All who believe in justice, wisdom and moderation will approve and admire your pluck as I do.

Give the man a "square deal" and prove to the world that our courts are not governed by mob law or race prejudice. An atrocious crime has been committed and we want the guilty punished, but we do not wish to add another crime by hanging a possibly innocent man.

I am a believer in giving every one justice and wish to express my admiration for the brave stand you took in your editorial. I beg to be most

Respectfully,

MRS. C. M. PORTER.

FROM M. U. MOOTY.

M. U. Mooty, attorney, of LaGrange, says:

LaGrange, Ga.

March 14, 1914.

Editor of Journal, Atlanta, Ga.

Dear Sir: I wish to congratulate you most heartily and sincerely, on your position as expressed in your recent editorial relative to the Frank case.

As a lawyer and as a citizen, I have taken a keen interest in the case. I was in Atlanta the day Mary was killed. I was in the Kimball House when the jury returned the verdict. Sitting in my room on the south side I could hear the cheers and applause that greeted the reception of the verdict. There was nothing in the noise to suggest that man's life was about to be taken in cool, deliberate judgment. It gave one who was not in the same atmosphere queer feelings. It was the shout of the mob.

"I am not satisfied as to his guilt or innocence," but let him be tried again under saner circumstances. Let the atmosphere be in such that the defendant can venture out

and hear his own verdict. Let him hear all of his own trial without risking what hope of life he yet has.

Yours very truly,

M. U.

MOOTY.

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Commends The Journal's Stand

(Asheville (N. C.) Citizen.)

The Citizen does not pretend to pass on the guilt or innocence of Leo Frank, but it certainly believes that he ought to have a new trial, if all the conditions existed at the time of the first hearing, as set forth by The Atlanta Journal, are correctly reported.

If Frank is guilty no punishment is too severe for him; no punishment can fit the crime, but the state of Georgia certainly owes it to itself and to its people to see that this man is not hanged until he has been found guilty by a judge and jury wholly free from the menace of prejudice and vengeance. The ministers and newspapers that have interested themselves in this case are not asking for Frank's acquittal. They are only demanding that there be a fair trial and legal proof of guilt.